

### **REMARKS**

The Examiner in paragraph 2 of the Official Action rejected claims 18, 19 and 21-23 under 35 USC § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this amendment applicants have amended the claims as suggested by the Examiner to read “a monitor and a cable TV communication network”. Accordingly, claim 18 as amended overcomes the rejection under 35 USC § 112 second paragraph. With regard to claims 19 and 21-23, these claims have been cancelled and therefore this rejection is no longer applicable.

The Examiner in paragraph 5 of the Official Action rejected claims 1, 2, 4 and 18-21 under 35 USC § 102(b) as being anticipated by US 5,666,215 to Fredlund et al. for the reasons set forth therein. By this amendment, Applicants have amended independent claims 1 and 18, upon which the remaining claims depend at least ultimately, to include the limitation that the cable TV communication unit is capable of communicating with a remote service provider over a broadband communication network, and that images that are captured by the image capture device are sent to the cable TV communication unit, and it also allows the selection of at least one image captured that is viewed on the monitor and at least one photographic service that is to be performed on the image and forwarding the at least one image to a service provider for fulfillment of the photographic selected service.

The Examiner in the Official Action recites the teaching of Fredlund of capturing the images in the camera. This is correct, however, Fredlund does not teach or suggest capturing images on a digital capture device and that the digital image capture device can access the cable TV communication device so that the captured images can be forwarded to the TV communication device for viewing on the associated monitor. In Fredlund the images that are viewed on the monitor are viewed from the images stored at the remote site. It does not teach the downloading directly of the images from the camera to the cable TV communication unit as taught and claimed by Applicants. Further, as currently set forth, claims 1 and 19 specifically allow for the selecting of the image and captured image with the one photographic service on the cable TV

communication unit and then forwarding that information to the remote service provider. Fredlund teaches the development of film that is sent to a lab for processing, see column 3, lines 22-25 of Fredlund. Thus, it is clear that Fredlund could not teach or suggest the present invention. The Fredlund reference does not teach the following:

- 1) capturing images on a digital capture image device;
- 2) accessing a cable TV communication unit with the digital image capture device;
- 3) forwarding the captured digital image from the digital capture device to the cable TV communication for viewing on the monitor;
- 4) selecting one image and captured image viewed on the monitor and at least one photographic service using the cable TV communication unit; and
- 5) forwarding from the cable TV communication unit to a remote service provider for fulfillment of the photographic service provider.

In Fredlund the user is accessing the images stored at a service provider over a communication network and providing the ordering of services over the communication network with the service provider. It is respectfully submitted there is no teaching or suggestion of the invention as currently set forth in independent claims 1 and 18.

The remaining claims depend at least ultimately upon independent claims 1 and 18 and therefore are also patentably distinct for the same reasons previously discussed. While Fredlund discloses use of the cable TV communication box, it does not teach or suggest the downloading of images from a digital image capture device to the TV communication unit and performing the functions as previously discussed.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)

Registration No. 27,370

Frank Pincelli/phw  
Rochester, NY 14650  
Telephone: 585-588-2728  
Facsimile: 585-477-4646